

**CITY OF MOUNTAIN VIEW
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
DRAFT MITIGATED NEGATIVE DECLARATION**

I. INTRODUCTION

A. Lead Agency and Address

Community Development Department
City of Mountain View
500 Castro Street
P.O. Box 7540
Mountain View, CA 94039

B. Contact Person and Phone Number

Nancy Minicucci, Deputy Zoning Administrator,
City of Mountain View
(650) 903-6306

C. Project Sponsor and Address

Prometheus Real Estate Group, Inc.
1900 South Norfolk Street, Suite 150
San Mateo, California 94403

D. General Plan Designation and Zoning

Current General Plan Land Use Designation: Medium Density Residential (13-25 dwelling units/acre)
Current Zoning: (P)18 - Evelyn Avenue Corridor Precise Plan

E. Project Description

The project site is primarily occupied by Minton's Lumber and Supply and consists of four structures and associated paved surface parking and landscaping. Prometheus Real Estate Group, Inc. proposes to redevelop the site with an apartment complex that includes up to 213 residential units over a subsurface parking garage and associated recreational facilities, open space, landscaping, and a public roadway. Two complexes, consisting of a combination of two-, three-, and four-story buildings, would be sited around internal courtyards. The following discretionary actions are requested for the proposed project:

- General Plan Amendment to change the land use designation on the site from Medium Density Residential (13 to 25 units per acre) to High Density Residential (36+ units per acre);
- Precise Plan Amendments for the Mixed-Use Residential Area to increase the allowable density from up to 25 units per acre to 61 units per acre, increase the allowable number of stories from 3 stories (up to 36 feet) to 4 stories (up to 50 feet) along West Evelyn Avenue and the new public street, reduce the minimum 20-foot setback from the property line to 14 feet along West Evelyn Avenue, and to remove the limitation of the number of units served by common building entrances;

- Planned Community Permit to allow development of the proposed project;
- Development Review Permit for site plan and architectural review and approval; and,
- Heritage Tree Removal Permit to allow removal of 15 heritage trees.

F. Location of Project

The 3.5-acre project site consists of two separately owned parcels of land and is located at 421 through 455 West Evelyn Avenue, in the City of Mountain View. The project site is generally bound by West Evelyn Avenue to the north, existing commercial and light industrial properties to the east, Villa Street to the south, and Bush Street to the west. The project site is located in an urban area and is approximately three blocks northeast of the City's downtown and two blocks southeast of the Downtown Mountain View Transit Center.

II. MITIGATION MEASURES

Implementation of the following mitigation measures shall reduce any feasible environmental impacts to less than significant levels:

Mitigation Measure AIR-1: The following construction practices shall be implemented at the project site during the construction and pre-construction phases of the project:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure AIR-2: The following construction practices shall be implemented at the project site during the construction and pre-construction phases of the project:

- Minimizing the idling time of diesel powered construction equipment to two minutes.
- The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NO_x reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.

Mitigation Measure BIO-1: If feasible, all vegetation removal shall be conducted during the non-breeding season (i.e., August 1 to February 28) to avoid direct impacts to nesting birds. If such work is scheduled during the breeding season, a qualified ornithologist shall conduct a pre-construction survey to determine if any birds are nesting in the vegetation to be removed. The pre-construction survey shall be conducted within 15 days prior to the start of work from March through May (since there is higher potential for birds to initiate nesting during this period), and within 30 days prior to the start of work from June through July. If active nests are found during the survey, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer shall be determined by the biologist in consultation with the CDFG, and would be based on the nesting species, its sensitivity to disturbance, and the expected types of disturbance.

Mitigation Measure BIO-2: For all heritage trees that would be removed, the project applicant shall obtain a Heritage Tree Removal Permit from the City, per the requirements detailed in Section 32.29(a), of the Mountain View City Code. Heritage trees shall be replaced on-site at a minimum ratio of 3:1 (trees replaced:removed).

Mitigation Measure CULT-1a: The project applicant shall inform the construction contractor(s) of the sensitivity of the project site for archaeological deposits by including the following directive in building plans:

If archaeological deposits are discovered during project activities, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Project personnel shall not collect or move any archaeological materials or human remains and associated materials. Archaeological resources can include flaked-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone-milling equipment (e.g., mortars, pestles, handstones). Prehistoric archaeological sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal, and other refuse.

The City shall verify that the language has been included in the building plans prior to issuance of a grading permit for the proposed project.

Mitigation Measure CULT-1b: If archaeological deposits are discovered during project activities, adverse effects to these deposits should be avoided. If such deposits cannot be avoided, they shall be evaluated for their California Register of Historical Resources eligibility to determine if such deposits qualify as "historical resources" under CEQA (CCR Section 15064.5(c)(1)). If the deposit is not eligible, a determination should be made as to whether it qualifies as a "unique archaeological resource" under CEQA. If the deposit is neither a historical nor unique archaeological resource, avoidance is not necessary. If the deposit is eligible for the California Register adverse effects on the deposits shall be avoided or mitigated. Mitigation may consist of, but is not necessarily limited to, systematic recovery and analysis of archaeological deposits; recording the resource; preparation of a report of findings; and accessioning recovered archaeological materials at an appropriate curation facility. Public educational outreach may also be appropriate.

Upon completion of the assessment, the archaeologist shall prepare a report documenting the assessment methods and results, and provide recommendations for the treatment of the archaeological materials discovered. The report shall be submitted to the applicant, the City of Mountain View, and the Northwest Information Center.

Mitigation Measure CULT-2a: The project applicant shall inform the construction contractor(s) of the following treatments for paleontological resources encountered during subsurface excavation by including the following directive in building plans:

If paleontological resources are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Paleontological resources include fossil plants and animals, and trace fossil evidence of past life such as tracks. Ancient marine sediments may contain invertebrate fossils such as snails, clam, and oyster shells; sponges; and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Paleontological resources also include plant imprints, petrified wood, and animal tracks.

The City shall verify that the language has been included in the building plans prior to the issuance of a grading permit for the proposed project.

Mitigation Measure CULT-2b: If paleontological deposits are discovered during project activities, adverse effects to these deposits should be avoided by project activities. If avoidance is not feasible, the paleontological resources shall be evaluated for their significance. If the resources are not significant, avoidance is not necessary. If the resources are significant, project activities shall avoid disturbing the deposits, or the adverse effects of disturbance shall be mitigated. Mitigation may include monitoring, recording the fossil locality, data recovery and analysis, a technical data recovery report, and accessioning the fossil material and technical report to a paleontological repository. Public educational outreach may also be appropriate.

Upon completion of the paleontological assessment, a report shall be prepared documenting the methods, results, and recommendations of the assessment. The report shall be submitted to the applicant and the City of Mountain View and, if paleontological materials are recovered, the report

shall also be submitted to a paleontological repository, such as the University of California Museum of Paleontology.

Mitigation Measure CULT-3a: If human remains are encountered, these remains shall be treated in accordance with California Health and Safety Code Section 7050.5. The project applicant shall inform its contractor(s) of the following procedures for treatment of human remains by including the following directive in building plans:

If human remains are encountered during project activities, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

The City shall verify that the language has been included in the building plans before issuing the grading permit.

Mitigation Measure CULT-3b: If human remains are encountered, upon completion of the assessment by the archaeologist, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the Most Likely Descendant. The report shall be submitted to the applicant, the City of Mountain View, and the Northwest Information Center.

Mitigation Measure GEO-1: Prior to the issuance of any site-specific grading or building permits, a design-level geotechnical investigation, in compliance with City of Mountain View guidelines, shall be prepared by a Certified Engineering Geologist or Geotechnical Engineer and submitted to the City Engineer for review and approval. The report shall determine the proposed project's surface geotechnical conditions and address potential seismic hazards such as liquefaction, lateral spreading, and expansive soils. The report shall identify building techniques appropriate to minimize seismic damage. All mitigation recommendations, design criteria, and specifications set forth in the geotechnical and soils reports shall be implemented as a condition of project approval.

Mitigation Measure HAZ-1: After demolition of the 423-425 West Evelyn Avenue structures, but prior to issuance of a grading permit, soil and groundwater sampling shall be conducted to determine the extent and location of contamination associated with the previously removed underground storage tank. If dewatering is required during soil remediation, groundwater shall be analyzed by a State-certified Laboratory for the suspected pollutants prior to discharge. Based on the results of the analytical testing, the project applicant shall acquire the appropriate permit(s) prior to discharge of the dewatering effluent. Contaminated soils shall be excavated and off-hauled for disposal at an appropriate facility. Post-excavation confirmatory sampling and analysis shall be performed and a closure report submitted to the Santa Clara County Environmental Health Department and the City of Mountain View. The City shall verify that the site is cleared of restrictions for residential use prior to issuance of a construction permit.

Mitigation Measure HAZ-2: Prior to issuance of a grading permit for the proposed project, the project applicant shall retain a qualified environmental professional (e.g., Professional Geologist,

Professional Engineer) to conduct a Phase II Environmental Site Assessment (ESA) in accordance with the most recent ASTM International Standard, and with oversight from the Santa Clara County Environmental Health Department. At a minimum, the Phase II ESA shall evaluate: the extent and location of contaminated soils and groundwater in the area of the former UST; the potential for subsurface contamination originating from the floor drain at 421 West Evelyn Avenue; and the potential for subsurface contamination underlying and adjacent to the shed at 421 West Evelyn Avenue. Where the results of the studies indicate that soil and/or groundwater contamination is present, any necessary remediation shall be conducted. The project applicant shall comply with all site remediation and construction-worker health and safety recommendations provided in the Phase II ESA. The findings of the investigation(s) shall be documented in a written report and shall be submitted to the regulatory oversight agency and the City.

Mitigation Measure HAZ-3: Prior to issuance of a demolition permit for any site structure constructed prior to 1980, a lead-based paint and asbestos-containing material survey shall be performed for each structure by a qualified environmental professional. Based on the findings of the survey, identified asbestos hazards shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District. Federal and State construction worker health and safety regulations shall be required during demolition activities. If loose or peeling lead-based paint is identified, it shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations.

Mitigation Measure HYD-1a: Prior to issuance of a grading permit, the project applicant shall file a Notice of Intent (NOI) for coverage under the States' Construction NPDES Permit, and prepare/implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction of and life of the project. The SWPPP shall act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the construction of the proposed project. The SWPPP shall include:

- 1) Specific and detailed Best Management Practices (BMPs) designed to mitigate construction-related pollutants. Specific and detailed BMPs included in the SWPPP shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g. fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.
- 2) Specific BMPs designed to reduce erosion of exposed soil that may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, and sediment basins. The potential for erosion is generally increased if grading is performed during the heavy rainy season, as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMP's selected shall focus on erosion control (i.e., keeping sediment on the site). End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional both during dry and wet conditions.
- 3) A monitoring program to be implemented by the construction site supervisor that included both dry and wet weather inspections.

Mitigation Measure HYD-1b: The project applicant shall fully comply with the C.3 requirements enforced by the City of Mountain View Fire Department, Environmental Protection Division, which maintains compliance with the NPDES Stormwater Discharge Permit. Responsibilities include, but are not limited to, designing Best Management Practices (BMPs) into the project features and operation to reduce potential impacts to surface water quality associated with operation of the project. These features shall be included in a Stormwater Management Plan prepared in accordance with the City's guidelines and detailed in the project drainage plan and final development drawings. Specifically, the final design shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development.

All requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program shall be incorporated. The final design team for the development project shall also review and incorporate as many concepts as practicable from *Start at the Source, Design Guidance Manual for Stormwater Quality Protection*.¹ Passive, low-maintenance BMPs (e.g., bioretention areas, grassy swales, porous pavements) are preferred in all areas. Higher-maintenance BMPs may only be used if the development of at-grade treatment systems is not possible, or would not adequately treat runoff. Funding for long-term maintenance of all BMPs must be specified (as the City will not assume maintenance responsibilities for these features). The applicant shall establish a self-perpetuating drainage system maintenance program (to be managed by a business and/or homeowners association or similar entity) that includes annual inspections of any stormwater detention devices (if any), drainage inlets, and operations and maintenance. Any accumulation of sediment or other debris would need to be promptly removed. An agreement shall also be recorded that establishes the applicant's maintenance responsibilities. In addition, an annual report documenting the inspection and any remedial action conducted shall be submitted to the City of Mountain View Fire Department, Environmental Protection Division for review.

Mitigation Measure HYD-2: As a condition of project approval, the applicant shall prepare a stormwater flow projection study and a hydraulic capacity study, to be submitted to the City of Mountain View Public Works Department for review and verification that the existing storm system is properly sized to meet the projected increase in stormwater flows on the project site. The studies shall show the new connecting points to the existing storm drain and model the estimated flows and peaking factors, as they relate to the changes in land use on the project site. The studies shall show that the reconfigured drainage pattern would not result in increased on- or off-site erosion, siltation, or flooding. The applicant shall be responsible for constructing and financing new or upgraded infrastructure that is required to serve the proposed project.

Mitigation Measure NOISE-1a: The project applicant shall comply with the regulations stipulated under Section 8.23 of the City Code. Section 8.23 of the City Code discusses regulations related to noise generated by construction and stipulates that no construction activity shall commence prior to 7:00 a.m. nor continue later than 6:00 p.m., Monday through Friday. Additionally, no work shall be permitted on Saturdays, Sundays or holidays (unless prior written approval is granted by the building official). The term "construction activity" includes any physical activity on the construction site or in the staging area, including the delivery of materials.

Mitigation Measure NOISE-1b: The project applicant shall comply with the following construction noise attenuation measures:

- Notify future adjacent residents, if any, of planned construction activities, as well as any particularly noisy activity that would affect them for a given short period of time so they can plan their activities accordingly.
- Ensure that all diesel equipment is equipped with effective mufflers, in accordance with the manufacturer's specifications, and that the mufflers are in good repair.
- Use temporary noise barriers along the perimeter of the sites, to the maximum extent feasible during demolition and grading activities.
- Locate stationary noise-generating equipment such as generators and compressors as far as possible from the multi-family residential development property line.
- Locate any construction trailers or offices as far from the adjacent residential uses as possible.
- Construct portions of the project adjacent to future residential uses first, as applicable, to provide a noise barrier during the remainder of the construction period.
- Disclose anticipated construction and demolition activities to potential residents and buyers of new residential buildings so future occupants can plan their activities accordingly.

Mitigation Measure NOISE-2: Mechanical ventilation, such as air conditioning systems, or noise-attenuated passive ventilation shall be included in the building design to ensure that windows can remain closed for prolonged periods of time to meet the interior noise standard of 45 dBA L_{dn} and Uniform Building Code Requirements.

Mitigation Measure NOISE-3: The developer shall incorporate upgraded window and wall assemblies with a minimum sound transmission class rating (STC) of STC-30 for all residential exterior facades within 500 feet of the railroad line in order to meet the City's interior noise level standard of 45 dBA L_{dn} .

Mitigation Measure UTL-1: As a condition of project approval, the applicant shall prepare a detailed water pipe hydraulic flow analysis, to be submitted to the Mountain View Public Works Department, to determine whether the existing water distribution system is properly sized to meet the projected new water demands on the project site. The applicant would be responsible for constructing and financing of new or upgraded infrastructure required to serve the proposed project.

Mitigation Measure UTL-2: As a condition of project approval, the applicant shall prepare a sewer flow projection study and a hydraulic capacity study, to be submitted to the City of Mountain View Public Works Department for review, to verify that the existing sewer system is properly sized to meet the projected increase in wastewater generation on the project site. The studies shall show the new connecting points to the existing sewers and model the estimated flows and peaking factors, as they relate to the changes in land use for the proposed project. The applicant would be responsible for constructing and financing of new or upgraded infrastructure required to serve the proposed project.

Mitigation Measure UTL-3a: The proposed project shall implement water conservation and drought contingency planning as required by the City of Mountain View and current State law to reduce the use of potable water on the project site. The project applicant shall prepare and submit the final

landscape plan, including water conservation targets and drought contingency measures, to the Public Works Department for review and approval prior to issuance of a building permit.

Mitigation Measure UTL-3b: The proposed project shall be subject to avoidance measures including the use of drought tolerant plants, water efficient technologies, and landscaping that is tolerant to recycled water quality, in compliance with the City's Landscape Guidelines and zoning regulations.

Mitigation Measure UTL-3c: The proposed project shall conform to the City's Model Landscape Ordinance.

III. DETERMINATION

In accordance with local procedures regarding the California Environmental Quality Act (CEQA), the Community Development Director has conducted an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment, and on the basis of that study recommends the following determination:

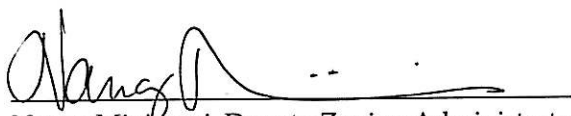
The proposed project will not have a significant effect on the environment based on the implementation of the required mitigation measures, and therefore, an Environmental Impact Report (EIR) is not required.

The Initial Study incorporates all relevant information regarding potential environmental effects of the project and confirms the determination that an EIR is not required.

IV. FINDINGS

Based on the findings of the Initial Study, the proposed project will not have a significant effect on the environment for the following reasons:

- A. As discussed in the preceding sections, the proposed project does not have the potential to significantly degrade the quality of the environment, including effects on animals or plants, or to eliminate historic or prehistoric sites.
- B. As discussed in the preceding sections, both short-term and long-term environmental effects associated with the proposed project will be less than significant.
- C. When impacts associated with the adoption of the proposed project are considered alone or in combination with other impacts, the project-related impacts are insignificant.
- D. The above discussions do not identify any substantial adverse impacts to people as a result of the proposed project.
- E. This determination reflects the independent judgment of the City.


Nancy Minicucci, Deputy Zoning Administrator

1/13/10
Date

